

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

RIVER POOLS & SPAS, INCORPORATED,	)	
	)	
Plaintiff	)	
	)	
v.	)	Civil Action No. 3:10CV251
LATHAM INTERNATIONAL, INC., LATHAM	)	
MANUFACTURING CORP., KAFKO (US)	)	
CORP., COVERSTAR, LLC and VIKING	)	
POOLS, LLC,	)	
	)	
Defendants.	)	
	)	

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VIKING POOLS, LLC,	)	
	)	
Counterclaim Plaintiff	)	
	)	
v.	)	
	)	
RIVER POOLS & SPAS, INCORPORATED,	)	
and MARCUS SHERIDAN,	)	
	)	
Counterclaim Defendants.	)	

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**DEFENDANTS-COUNTERCLAIMANT'S MOTION TO SEVER**

Defendants/Counterclaim Plaintiff, Latham International, Inc., Latham Manufacturing Corp., Kafko (US) Corp., Coverstar, LLC and Viking Pools, LLC, ("Latham"), by counsel, and pursuant to Rules 21 and 42(b) of the Federal Rules of Civil Procedure, respectfully request that the Court sever Latham's Counterclaim from the claims alleged in Plaintiff-Counterclaim Defendants' Amended Complaint. The issues to be tried in both are significantly distinct such that a severance is warranted. Further, River Pools claims are to be tried before the Court while Latham's claims are to be tried before a jury. Finally, a severance solves River Pools trial date conflict and obviates the need to continue the trial. Latham's claims can go forward on the

scheduled trial date and the Court can hold its bench trial of River Pools cybersquatting claims at a later date that is convenient to the Court.

The reasons in support of this motion are more fully set forth in Latham's Memorandum in Support, filed contemporaneously herewith and incorporated by reference.

WHEREFORE, Latham respectfully requests that the Court sever Latham's Counterclaim from the claims asserted in River Pools' Amended Complaint, and order such other and further relief as the court deems just and proper.

Respectfully submitted,

VIKING POOLS, LLC,  
LATHAM INTERNATIONAL, INC., LATHAM  
MANUFACTURING CORP., KAFKO (US)  
CORP., and COVERSTAR, LLC

By:                     /s/                      
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 5th day of January, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notice of electronic filing (NEF) to the following:

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